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14 **UNITED STATES BANKRUPTCY COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**
16 **SACRAMENTO DIVISION**

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IN RE:) Case No.: 10-37740
MICHAEL ANDREW SETZ,) Chapter 07
TERRI LYNN KING-SETZ,) DCN: BSJ-001
Debtor(s).) Judge: Hon. Michael S. McManus
Soc. Sec. No.: XXX-XX-1029) Date: July 11, 2011
Soc. Sec. No.: XXX-XX-3939) Time: 10:00 AM
) Place: 501 I Street, 7 ^h Floor, Department A,
	Courtroom 28, Sacramento, CA
) MOTION TO COMPEL ABANDONMENT
) OF PROPERTY OF THE ESTATE
) 11 USC 554

Debtors move the Court as follows:

1. Debtors scheduled certain assets in this case listed on Schedule A which include the single family residence located at 8919 Aksarben Drive, Orangevale, CA 95662 (“Real Property”). Schedule A is provided as Exhibit A.
2. At the time of filing of this bankruptcy case, the Real Property was valued at \$165,000.00, which is evidenced by Schedule A.

3. At the time of filing of this bankruptcy case, the Real Property was encumbered in the amount of \$260,350.00, which is evidenced by Schedule D. Schedule D is provided as Exhibit B.
4. Based on Schedule A and Schedule D, no equity exists in the Real Property that needs to be exempted on Schedule C.
5. The petition filed by debtors clearly shows that the house located at 8919 Aksarben Drive, Orangevale, CA 95662 is of inconsequential value and benefit to the estate in that the property has no equity in it both at the time of filing the petition and this motion. Thus, allowing the property to remain in the estate would be of no benefit to the Trustee since no proceeds could be assumed from the property.
6. Debtors request at this time to Compel Abandonment of the above mentioned property from the Trustee and have the property revert back to the possession of the debtors.

WHEREFORE, Debtors Pray:

1. For an order compelling the Chapter 7 Trustee to abandon said property from the bankruptcy estate.
2. For other relief the Court deems just and proper.

DATED: June 20, 2011

COGGINS JOHNSTON, LLP

/s/ Brandon S. Johnston

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MICHAEL ANDREW SETZ
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